

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
DAYTON**

|                                     |   |                              |
|-------------------------------------|---|------------------------------|
| <b>DAYTON SUPERIOR CORP. et al.</b> | : | <b>Case No. 3:18-cv-065</b>  |
|                                     | : | <b>Judge Thomas M. Rose</b>  |
| <b>Plaintiffs,</b>                  |   | :                            |
|                                     |   | :                            |
|                                     |   | :                            |
| <b>vs.</b>                          | : | <b>ORDER GRANTING MOTION</b> |
|                                     | : | <b>FOR TEMPORARY</b>         |
|                                     | : | <b>RESTRAINING ORDER</b>     |
|                                     |   | :                            |
| <b>JEFFREY OSBORNE,</b>             | : |                              |

**Defendant.**

This matter is before the Court upon the Motion of Plaintiffs Dayton Superior Corporation (“Dayton Superior”) and Michelle Erp (“Erp”) (collectively, “Plaintiffs”) for Temporary Restraining Order against Defendant Jeffrey Osborne (“Osborne”). Based upon the Verified Complaint and the Motion for Temporary Restraining Order, this Court finds that Plaintiffs have established a likelihood of success on the merits of their claim; that they will suffer an immediate threat of irreparable harm if Osborne is not enjoined; that the detriment to Osborne of granting the injunction does not outweigh the potential harm to Plaintiffs if the injunction is not issued; and that the public interest is served by the issuance of injunctive relief. The Court, therefore grants a Temporary Restraining Order as follows:

A. Enter a Temporary Restraining Order and/or Preliminary Injunction enjoining and restraining Osborne, and all persons acting in concert with him, from directly or indirectly contacting or attempting to contact Erp (or any member of Erp's family);

B. Enter a Temporary Restraining Order and/or Preliminary Injunction enjoining and restraining Osborne, and all persons acting in concert with him, from using confidential, proprietary and/or trade secret company information to tortiously interfere with Dayton Superior's business relationships;

C. Require Osborne, and all persons acting in concert with him, to stay at least one mile away from Erp (or any member of Erp's family) and from any Dayton Superior facility;

D. Grant Plaintiffs such other and further relief as the Court deems just and equitable.

The matter is set for Preliminary Injunction Hearing for Monday, April 2, 2018 at 10:30 a.m.

IT IS SO ORDERED.

*s/Thomas M. Rose*

---

United States District Judge